

### REMARKS

Claims 1-51 are pending after this amendment.

Applicant has amended claims 1, 8, 18, 25, 35, and 42 in order to more particularly define the invention. No new matter has been added. Support for the amended claim language appears in the originally-filed specification at, for example, paragraphs 0013-0017, 0038, and 0050.

The amendments were not necessitated by the claim rejections. Applicant makes no admission as to the patentability or unpatentability of the originally filed claims.

The amendments and remarks presented herein are in response to the Office Action dated November 2, 2005.

The Examiner provisionally rejected claims 1-44 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending Application No. 10/629,129. The Examiner indicated that this rejection can be overcome by a timely filed terminal disclaimer. Accordingly, a terminal disclaimer is included herein to overcome the obviousness-type double patenting rejection.

The Examiner rejected claims 8, 25, and 42 under 35 USC 112 as being indefinite. These claims have been amended to provide sufficient antecedent basis for all terms therein.

The Examiner rejected claims 1-51 under 35 USC 102(b) as being anticipated by Kurtenbach. This rejection is respectfully traversed.

On November 28, 2005, a telephone interview took place between the Examiner and Applicant's representative Amir H. Raubvogel. Applicant thanks the Examiner for the opportunity to discuss the pending Office Action and the cited reference.

Claim 1, as amended, recites:

"A computer-implemented input method for a user interface, the user interface including a zone occupying less than the entire user interface, the method comprising:  
responsive to a user input anywhere in the zone being stroke input, performing a command associated with the user input; and  
responsive to the user input anywhere in the same zone being a menu activation command, displaying a menu including a plurality of commands."

As discussed in the telephone interview, the claimed invention is able to respond to two types of user input anywhere within the zone. Responsive to stroke input anywhere in the zone, a command is performed. Responsive to a menu activation command anywhere in the same zone, a menu is displayed including commands.

By contrast, Kurtenbach provides a menu display with two portions: a radial marking menu portion that can accept stroke input, and a linear menu portion that can accept user selection of a menu item. As is made clear in Kurtenbach, these two portions occupy different parts of the user interface. See, for example, col. 4, lines 62-63: "The linear portion 64 is shown below the marker portion 62." See also col 5, lines 37-39: "The creation of such a combined menu requires that a displayed menu 70, as illustrated in Fig. 7, be divided into different regions." (Emphasis added). Kurtenbach fails to teach or suggest any technique whereby two types of user input anywhere within a single zone

can be interpreted in two different ways to either perform a command or display a menu, as claimed herein.

Claims 18 and 35, as amended, include similar language and are distinct from Kurtenbach for the reasons given above. The remaining claims are dependent claims that incorporate similar language from one of the independent claims and are therefore distinct from Kurtenbach for the reasons given above,

In the telephone interview, the Examiner agreed that, with the addition of the term “anywhere” to the independent claims as indicated herein, all of the claims of the present application are now patentably distinct over Kurtenbach.

In view of the above remarks, and further in view of the arguments presented during the telephone interview, Applicant respectfully submits that the invention claimed herein is patentably distinct from the cited reference.

Accordingly, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicant's representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,  
Sig G. Kupka

Dated: December 5, 2005

By:   
Amir H. Raubvogel, Reg. No.: 37,070  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (650) 335-7276  
Fax: (650) 938-5200